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**MAY 21 2004**

**TELECOPIER TRANSMITTAL FORM**

**DATE:** May 21, 2004  
**TO:** Examiner Cuong H. Nguyen  
**FIRM:** USPTO, Group Art Unit 3625  
**FAX #:** (703) 872-9306  
**PHONE:** (703) 305-4553  
**FROM:** Jon A. Gibbons

**TOTAL NUMBER OF PAGES: 10**  
**(INCLUDING THIS PAGE)**

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**MESSAGE:**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Richard L. SPAGNA et al.

**Serial No.:** 09/711,747

**For:** *UPDATING USAGE CONDITIONS IN LIEU OF DOWNLOAD DIGITAL RIGHTS  
MANAGEMENT PROTECTED CONTENT*

**Enclosed are the following:**

Transmittal letter (1 page); and Amendment and Election (8 pages)

**Docket No.:** SOM920000016US1

**150-A00-006**

**May 21, 2004**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of : Atty. Docket No. SOM920000016US1  
 Richard L. SPAGNA, et al. : Group Art Unit: 3625  
 Serial No. 09/711,747 : Examiner: Cuong H. Nguyen  
 Filed: November 13, 2000 : Confirmation No. 8049  
 For: **UPDATING USAGE CONDITIONS IN LIEU OF DOWNLOAD DIGITAL RIGHTS MANAGEMENT PROTECTED CONTENT**

**TRANSMITTAL****MAIL STOP AMENDMENT**

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment and election in the above-identified application:

[X] No additional filing fee is required.

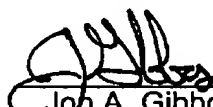
The fee has been calculated as shown below. *(Small entity fees indicated in parentheses.)*

CLAIMS AS AMENDED						
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Claims Remaining After Amendment		Highest Number Previously Paid For	Extra Claims	Rate	Fee
<b>Total Claims</b> <i>(Small Entity)</i>	16	-	20	0	18.00 (9.00)	0
<b>Independent claims</b> <i>(Small Entity)</i>	4	-	5	0	86.00 (43.00)	0
<b>Multiple Dependent</b> <i>(Small Entity)</i>	0	-	0	0	290.00 (145.00)	0
<b>Extension of Time Fee</b> <i>(Small Entity)</i>	<b>One Month</b> \$110 (\$55)		<b>Two Months</b> \$420 (\$210)	<b>Three Months</b> \$950 (\$475)		0
<b>Total</b>						<b>\$0.00</b>

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0459.

Respectfully submitted,

Date: 5/21/04

 By:   
 John A. Gibbons  
 Reg. No. 37,333

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Atty. Docket: SOM920000016US1

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In re Application of:	)	
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Confirmation No. 8049	)	Examiner: Cuong H. Nguyen
Filed: November 13, 2000	)	
For: <i>UPDATING USAGE CONDITIONS IN</i>	)	
<i>LIEU OF DOWNLOAD DIGITAL RIGHTS</i>	)	
<i>MANAGEMENT PROTECTED CONTENT</i>	)	

**AMENDMENT AND ELECTION**

**VIA FACSIMILE (703) 872-9306**

**MAIL STOP - AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to the Office Action dated April 21, 2004, please enter and consider the following amendment and remarks.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to U.S. Patent and Trademark Office on the date shown below:

May 21, 2004  
Date

Name

Signature